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September 28, 2017

Kelly Knighton  
Region 6 Administrator  
OSHA  
A. Maceo Smith Federal Building  
525 Griffin St., Suite 602  
Dallas, TX 75202

☐ Via Overnight  
☐ Via Regular Mail  
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☐ Via E-Mail: [kelly.knighton@osha.gov](mailto:kelly.knighton@osha.gov)

RE: Complaint under Section 806 of SOX.

Juan Lozada-Leoni v. MoneyGram International

Dear Ms. Knighton:

Please process the following as a formal complaint under Section 806 of the Sarbanes-Oxley Act of 2002, as amended.

### A. Statute:

Section 806 protects, of course, employees of publicly-traded companies (and subsidiaries of same) from retaliation when they complain and "reasonably believe" (that the complained-of conduct) constitutes a violation of one of six federal laws, e.g., Sections 1341, 1343, 1344, or 1348, any rule or regulation of the [SEC], or any provision of federal law relating to fraud against shareholders. Sarbanes-Oxley Act of 2002, 806(a), 18 U.S.C. 1514 A (a)(1) (2006).

### B. Parties:

Complainant	Respondent
Juan Lozada-Leoni 5800 Brodie Ln. Apt 836 Austin, TX 78745 Cell: (210) 995-3782	MoneyGram International 2828 N Harwood St., #15 Dallas, TX 75201 Office: (214) 999-7552

### C. Facts:

Complainant was hired on October 18, 2016

His job title was Manager, AML/CTF Regional Compliance USA.

Two of his essential responsibilities were (1) compliance with anti-money laundering rules and regulations; and (2) compliance with a consent decree that required, *inter alia*, compliance with anti-money laundering rules and regulations.

In a scenario that is becoming increasingly predictable,<sup>1</sup> his efforts to achieve compliance were met with (1) resistance; (2) outright hostility, and (3) finally resulted in his termination on April 4, 2017.

**D. Protected conduct:**

This is essentially a *Sharkey v. JP Morgan Chase* case,<sup>2</sup> with one additional twist: on top of violating the underlying anti-money laundering laws, the employer here **violated an existing consent decree that prohibited future violations** of the underlying anti-money laundering laws. (Emphasis added).

**E. Tangible adverse employment action:**

In addition to on-the-job harassment, verbal abuse, isolation, and marginalization, complainant's termination on April 4, 2017.

**F. Last date of alleged retaliatory action (for SOL filing purposes):**

April 4, 2017.

**G. Corporate service to be made on:**

See Certificate of Service, below.

Further details will be subsequently provided.

Please send us your standard acknowledgement of receipt here.

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<sup>1</sup> *Corporate Counsel Magazine* recently quoted a local (employment law) luminary – the redoubtable Chip Jones -- on what is becoming a somewhat predictable scenario: "...The company brings in an expert, bares its soul and confesses its sins, then asks the compliance officer to fix everything. 'They bring in someone who wants to build a world-class program...' The [breakdown]... becomes so toxic, Jones adds... the compliance officer quits or files a whistleblower suit." Reisinger, S. (2017, August 7). *Ride the Whistleblower Wave*. Retrieved from Corporate Counsel: [http://www.corpcounsel.com/id=1202794888902/Ride-the-Whistleblower-Wave?cmp=share\\_email&slreturn=20170826174614](http://www.corpcounsel.com/id=1202794888902/Ride-the-Whistleblower-Wave?cmp=share_email&slreturn=20170826174614)

<sup>2</sup> In *Sharkey*, the Second Circuit established that complaints pertaining to a violation of the anti-money laundering statute qualifies as protected conduct under SOX. Stempel, J. (2016, September 12). *JPMorgan whistleblower case revived*. *JPMorgan Whistleblower Case Revived by U.S. appeals court*. *Appeals Court*. Retrieved from Reuters: <https://www.reuters.com/article/us-jpmorgan-whistleblower-lawsuit/jpmorgan-whistleblower-case-revived-by-u-s-appeals-court-idUSKCN1111T7>

Very truly yours,



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ATTORNEYS FOR COMPLAINANT

SK;(bt)

CERTIFICATE OF SERVICE

The foregoing has been sent by electronic means (email) to the following counsel for Respondents, on September 28, 2017. A courtesy copy has also been sent via email to Anthony Incristi, Regional Supervisor, OSHA.

Name	Contact information	Role
Elizabeth Weathers-Nguyen	Associate General Counsel MoneyGram International 2828 N Harwood St., #15 Dallas, TX 75201 Cell: (214) 999-8029 <a href="mailto:eweathers-nguyen@moneygram.com">eweathers-nguyen@moneygram.com</a>	In-house counsel for Respondent MoneyGram International
Anthony Incristi	OSHA Regional Supervisor Austin Area Office 1033 La Posada Suite 375 Austin, TX 78752 Tel (512) 374-0271 x 234 Fax (512) 374-0086 <a href="mailto:incristi.anthony@dol.gov">incristi.anthony@dol.gov</a>	OSHA